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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/125,102	04/19/1999	AKIRA TAKANO	450104-4266	7426
20999	7590	02/17/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			FLETCHER, JAMES A	
		ART UNIT		PAPER NUMBER
		2615		16
DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/125,102	TAKANO, AKIRA
	Examiner	Art Unit
	James A. Fletcher	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 25-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 25-33 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al (6,487,362), and further in view of Minoda et al (5,521,766).

**Regarding claims 25, 28, and 31,** Yuen et al describe a method, apparatus, and tape with attached memory (Col 4, lines 8-10 "the information is kept in a secondary memory carried on the exterior of a tape cassette") comprising:

- generation of index information corresponding to a point on the tape medium where a designated portion of the video data is recorded (Col 4, lines 45-46 "directory information is written on the video track of the tape") by a user controlled switch (Col 15, lines 10-12 "Each caption data word is displayed in the directory, and the user presses the ENTER button to accept the word and store it as a program title"); the index information for use as an index when editing the video data (Col 3, lines 64-66 "a user can perform an erase

operation of a taped program by simply indicating on the directory that the program can be over-written");

- generation of additional index information corresponding to the index information for specifying an attribute of the designated portion of the video data (Col 5, line 67-Col 6, line 1 "the controller is coupled to a decoder for decoding data [e.g. a program title] communicated in the VBI portion of a broadcast television signal");
- selection of a video frame from the designated portion of the video data on the basis of the index information and the additional index information (Col 65, lines 7-9 "In response to the user having selected the electronic program guide, the indexing VCR advances the tape to the beginning of the program guide, using the tape directory");
- generation of an index picture information from the selected video frame for displaying the selected video frame corresponding to the index information when editing the video data (Col 65, lines 14-15 "The indexing VCR reads the category guide menu from the video tape and displays it on the screen");
- recording the index information and the additional index information in the attached memory of the digital cassette (Col 3, lines 59-61 "a method and apparatus for maintaining current information, such as a directory of recorded programs, about a tape in a magnetic tape cassette" and Col 4, lines 9-10 "the information is kept in a secondary memory carried on the exterior of a tape cassette");

- recording the index information (Col 4, lines 45-46 "directory information is written on the video track of the tape") and additional index information in sub-code sections of corresponding recorded tracks (Col 5, lines 18-19 "when reading the directory from the tape, the current position is also read from the tape") throughout the tape medium (Col 4, lines 45-46 "in the vertical blanking intervals [VBI] of recorded video signals"); and
- recording the index picture information on the tape medium (Col 64, lines 36-39 "part of the information related to the upcoming programs for the associated broadcaster is...recorded as a video image").

Yuen suggests recording tracks on a medium wherein the tracks have an area for recording non-image data (Col 4, lines 49-51 "directory information is written on the video track of the tape in the vertical blanking intervals [VBI] of recorded video signals"), but does not specifically disclose tracks having a sub-code section.

Minoda et al teach recording navigational and editing data in sub-code sections of a video track (Col 2, lines 13-16 "the desired video signal is searched on the basis of sub-code data [frame number, chapter number, etc.] which are identification information recorded on the magnetic tape together with the video signal").

As suggested by Yuen et al and taught by Minoda et al, sub-code data as part of each track is a well known, commercially available, and widely used

means of storing navigational data throughout a video tape recording, providing a standard means of locating a specific time or spot on a tape.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Yuen et al to incorporate storage of directory information in a sub-code region of each track on the tape.

**Regarding claims 26, 29, and 32,** Yuen et al disclose a method, apparatus, and tape with attached memory wherein the point corresponding to the index information is a mark-in point, mark-out point, or cue point in the video data (Col 6, lines 66-67 "The main function of these packets is to serve as 'file marks' for search of starting points of programs").

**Regarding claims 27, 30, and 33,** Yuen et al disclose a method, apparatus, and tape with attached memory wherein the attribute is a take number, a scene number, or a good/no good indicator for the designated portion of the video data (Col 90, lines 62-66 "an announcement by the user of the title of the particular scene he is about to shoot. When the tape is played in the indexing VCR, the voice announcements are read and digitized and stored in the RAM together with the date/time stamp").

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
February 3, 2004

*Vincent Boccio*  
VINCENT BOCCIO  
PRIMARY EXAMINER